

**29167. Adulteration of maple sirup. U. S. v. 55 Drums of Maple Sirup (and one similar seizure action). Decrees releasing product for deleading.** (F. & D. Nos. 42404, 42405. Sample Nos. 12391-D, 12399-D.)

This product contained lead.

On May 18 and 19, 1938, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 148 drums of maple sirup at St. Johnsbury, Vt.; alleging that the article had been shipped in interstate commerce on or about May 2 and 3, 1938, from Carthage and Canton, N. Y., by F. L. Phillips; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On June 24, 1938, F. L. Phillips, Watertown, N. Y., claimant, having admitted the allegations of the libels, the product was ordered released under bond conditioned that it be subjected to a deleading process under the supervision of this Department, in order to eliminate the lead.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29168. Adulteration of candy. U. S. v. 2 Cartons of Candy, et al. Consent decree of condemnation and destruction.** (F. & D. Nos. 42464 to 42468, incl. Sample Nos. 22321-D to 22325-D, incl.)

Samples of this product were found to contain rodent hairs and to be moldy, wormy, and insect-infested.

On May 27, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine boxes of candy at Chicago, Ill.; alleging that the article had been shipped in interstate commerce by the Martha Washington Candies Co., between the dates of March 21 and April 29, 1938, in various shipments from Terre Haute, Richmond, and South Bend, Ind., Kansas City, Mo., and Akron, Ohio; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On June 8, 1938, the claimant having consented thereto, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29169. Misbranding of canned dry peas. U. S. v. 50 Cases of Peas. Default decree of condemnation. Product ordered delivered to charitable institutions.** (F. & D. No. 42416. Sample No. 17696-D.)

This product was cooked dry peas but was labeled to indicate that it was immature green peas.

On May 23, 1938, the United States attorney for the Territory of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of canned dry peas at Honolulu, Hawaii, consigned by Y. Takokuwa & Co., alleging that the article had been shipped from San Francisco, Calif., on or about April 23, 1938; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lodi Brand [vignette of dish of bright green peas] \* \* \* Dry Cooked Peas Parrott & Co. San Francisco California."

Misbranding was alleged in substance in that the design of a dish of immature green peas and the unduly emphasized word "Peas," borne on the label, were false and misleading and tended to deceive and mislead the purchaser since they gave the impression that the article was the usual canned immature peas, which misleading impression was not corrected by the relatively inconspicuous words "Dry Cooked."

On June 9, 1938, no claimant having appeared, judgment of forfeiture was entered and the product was ordered delivered to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29170. Adulteration and misbranding of Solvene. U. S. v. 25 Gallons of Solvene. Default decree of condemnation.** (F. & D. No. 41260. Sample No. 50584-C.)

This product was commercial carbitol, a glycol or a glycol ether, or both, poisons.

On December 27, 1937, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 gallons of Solvene

at Natchez, Miss.; alleging that the article had been shipped in interstate commerce on or about September 20, 1937, from Cincinnati, Ohio, by the Cino Chemical Products Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "The Cino Chemical Products Co., Cincinnati, Ohio."

It was alleged to be adulterated in that a poisonous substance, a glycol or a glycol ether, or both, had been substituted in whole or in part for "Solvane, the perfect Non-Alcoholic Solvent for Extracts, Flavors, Essential Oils, and Compound Vanillas," which it purported to be.

Misbranding was alleged in that the statement, "Solvane, the Perfect Non-Alcoholic Solvent for Extracts, Flavors, Essential Oils, and Compound Vanillas," was false and misleading and tended to deceive and mislead the purchaser when applied to a poison unfit for use as a food-flavor solvent; and in that it was offered for sale under the distinctive name of another article, namely, Solvane, a food-flavor solvent.

On May 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of in the manner provided by law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29171. Adulteration and misbranding of imitation vanilla flavor. U. S. v. 2 Jugs of Concentrated Imitation Vanilla. Default decree of condemnation and destruction. (F. & D. No. 41484. Sample No. 527-D.)**

This product contained carbitol, a glycol or a glycol ether, or both, poisons.

On January 20, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two jugs of imitation vanilla flavor at Takoma, Wash., alleging that the article had been shipped in interstate commerce on or about December 29, 1937, from San Francisco, Calif., by S. H. Tyler & Son; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that an article containing a poisonous substance, a glycol or a glycol ether, or both, had been substituted in whole or in part for concentrated imitation vanilla, which it purported to be; and in that it contained an added poisonous or deleterious ingredient, a glycol or a glycol ether, or both, which might have rendered it injurious to health.

Misbranding was alleged in that the name on the label, "Concentrated Imitation Vanilla," was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing a glycol or a glycol ether, or both, poisons; and in that it was offered for sale under the distinctive name of another article, "Concentrated Imitation Vanilla."

On July 11, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29172. Misbranding and alleged adulteration of imitation butter flavor. U. S. v. 1 Jug of Imitation Butter Flavor. Default decree of condemnation and destruction. (F. & D. No. 41470. Sample No. 36788-C.)**

This product contained diethylene glycol, a poison.

On January 19, 1938, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one jug of imitation butter flavor at Knoxville, Tenn.; alleging the article had been shipped in interstate commerce on or about November 6, 1937, from Baltimore, Md., by the C. M. Pitt & Sons Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Velvet \* \* \* The C. M. Pitt and Sons Co., \* \* \* Baltimore, Md."

It was alleged to be adulterated in that the substance diethylene glycol, a poison, had been substituted in whole or in part for imitation butter flavor No. 7, which the article purported to be; and in that it contained an added poisonous and deleterious ingredient which might have rendered it injurious to health, viz, 85 percent of diethylene glycol.

The article was alleged to be misbranded in that the statement on the label, "Imitation Butter Flavor No. 7," was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing 85 percent of diethylene glycol, a poison; and in that it was offered for sale under the distinctive name of another article, imitation butter flavor No. 7.

On June 29, 1938, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be condemned and destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*